



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of the Honorable Barbara M. Quinn,
Chief Court Administrator
Judiciary Committee Public Hearing
April 1, 2011**

**Senate Bill 1224, An Act Concerning Court Operations and Victim Services
Senate Bill 1219, An Act Concerning the Leasing of Judicial Branch Facilities
H.B. 6635, An Act Concerning the Court Support Services
Division of the Judicial Branch**

Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Hetherington, and members of the Judiciary Committee, I appear before you today to testify on a number of bills. I will start out by testifying in support of three bills that are part of the Judicial Branch's legislative package -- *Senate Bill 1224, An Act Concerning Court Operations and Victim Services*, *Senate Bill 1219, An Act Concerning the Leasing of Judicial Branch Facilities* and *H.B. 6635, An Act Concerning the Court Support Services Division of the Judicial Branch*.

Senate Bill 1224, An Act Concerning Court Operations and Victim Services

This bill makes a variety of changes that are intended to enhance the operations of the Judicial Branch, including the provision of services to victims. Since it covers a variety of topics, I will provide you with a section by section summary of the bill:

- **Section 1** would make statutory changes that are necessary because we are expanding the judicial performance evaluation program to include Judge Trial Referees.
- **Sections 2 and 4** would allow for electronic communication of court orders, which is yet another step in our efforts to move to a system of electronic, rather than paper, filing and communication. Section 2 would allow clerks to give notice of decrees of court by computer, facsimile or other technology approved by the Chief Court Administrator and

section 4 would provide that any notice, order, decision, execution, process or other document issued by the clerk's offices or support enforcement may be signed or verified by electronic means or other technology approved by the Chief Court Administrator.

- **Section 3** would create an official process for the common practice whereby prosecutors and defendants reach agreements as to amounts to be paid for infractions and violations that have been transferred to Superior Court, and such payments are processed as bond forfeitures without a plea or appearance before a judicial authority.
- **Sections 5 and 6** would delete limitations on the extent to which a retired Supreme Court justice who has not yet reached age 70 may participate in the activities of the Supreme Court.
- **Section 7** would expand the jury pool by adding persons who hold a state identification card to those who are summoned for jury service.
- **Section 8** would allow alternative jurors in civil cases to serve in the same manner as they currently do in criminal cases.
- **Sections 9 – 12** would adopt the holding of the Supreme Court in McCoy v. Boyle as it applies to functions of the Court Support Services Division.
- **Sections 13 and 15** would make technical changes necessitated by recent legislation:
 - Add the pretrial supervisory diversionary program for persons with psychiatric disabilities to § 54-66a, which provides for the automatic termination and release of bail bonds when the defendant is granted admission to a pretrial diversionary program; and
 - Amend § 54-193b to add the municipal fee that was established in 2006, thereby allowing the Branch to process all fees received pursuant to § 51-56a uniformly.
- **Section 14** would allow the Judicial Branch to ensure that a case that has been continued for 13 months at the request of a prosecutor is nolle.
- **Section 16** makes technical changes and repeals obsolete dates in the section detailing the powers of the Office of Victim Services.
- **Section 17** creates a mechanism to compensate crime victims who have alleged that they are victims of sexual assault or child abuse, but have not reported the assault to the police. This proposal is necessary because, while a police report is generally required for

an order of compensation to be made, these crimes frequently go unreported to law enforcement. Yet, real harm has occurred to the victim, and the need for compensation can be great. In these instances, then, if the victim has made a disclosure of the crime to any of the individuals listed in the bill – such as a doctor or mental health professional – the Office of Victim Services or a Victim Compensation Commissioner can take that statement into consideration in determining whether to order compensation.

- **Sections 18 and 19** remove the \$100 deductible that is required before a crime victim can benefit from the compensation program. Often, losses total less than \$100; in these instances, we are unable to make the victim whole.
- **Section 20** clarifies that the Office of Victim Services is entitled to be reimbursed for compensation it has paid to victims who have subsequently received compensation for the same item from another source, regardless of the source.
- **Section 21** would repeal C.G.S. § 51-75, *Messengers of the Supreme and Appellate Court*, as it is obsolete.

Senate Bill 1219, An Act Concerning the Leasing of Judicial Branch Facilities

This bill represents a proposal by the Judicial Branch to assume the responsibilities that the Department of Public Works (DPW) presently has for leasing property on behalf of the Branch.

It is absolutely essential to point out that our proposal pertains only to DPW's role in the leasing process, because that is where the problems lie. Our proposal in no way alters the essential and appropriate roles that both the Office of Policy and Management (OPM) and the State Property Review Board (SPRB) have in leasing oversight and approval. In fact, we have had extensive discussions with both parties about this proposal

We are making this proposal because the present leasing process, in which DPW identifies sites and negotiates with proponents on behalf of the Judicial Branch, does not work. It does not work for the Branch because of the excessive delays that are routine in obtaining critically needed space -- delays which often turn into complete failure. It does not work for potential lessors. They are increasingly reluctant to become involved with the State, despite the fact that we are a long-term and reliable lessee, because (1) they know that under the best of circumstances it will take many years to actually execute a lease, and (2) they know that under

the present process they will incur significant costs with no certainty that a lease with the state will ever be consummated. It does not work for taxpayers, because long-delayed leases are ultimately more expensive to the state than leases executed in a timely manner. It still does not work despite repeated efforts by the Branch, over the years, to work with DPW to improve the process. The current process clearly serves no one well.

Leasing is critical to the success of the Judicial Branch in carrying out its constitutional and statutory responsibilities. The Judicial Branch, as you know, operates in a substantial number of locations throughout the state. In fact, we are in more than 80 owned and leased locations statewide, including 47 courthouses. We are DPW's largest leasing customer, with more than 42 active leases, including several courthouses, numerous probation and other field offices, and 15 parking leases for jurors and staff.

All of these leases have been subject to the same delays, whether the lease request is for something as simple as parking in proximity to a courthouse, a modest expansion of space adjacent to an existing leased space to accommodate new probation officers authorized by the Legislature, or something as complex as a juvenile matters courthouse.

When DPW has been successful in negotiating a lease on our behalf, the average time it has taken from our request for space to a lease execution is almost four-and-one-half years. In one recent glaring instance, it took 9 years to negotiate an expansion into a room adjacent to an existing probation office. There are 11 instances in which proponents eventually gave up trying to negotiate a lease after protracted negotiations that went on for, on average, more than 5 years. The most egregious example in this category is the failure to execute a lease for a new juvenile courthouse in a building adjacent to an existing court after 10 years of negotiation and substantial costs to the proponent. The failure to obtain space in a timely way has forced us to pay private providers for interim space to house probation officers, reducing the amount of dollars available for the programs themselves.

We should not allow these failures to continue. They undermine the operations of the Judicial Branch and they are extremely anti-business. We are certain we can do better. Under this proposal, the Judicial Branch would assume all the leasing responsibilities presently exercised by DPW. We would expeditiously identify proponents and carry out timely lease negotiations. We would not be burdened by non-Judicial Branch leasing responsibilities. We believe that if we are given this new authority, we should be able to dramatically reduce the time it takes to successfully execute leases, and we also believe that we can eliminate those situations in which lease negotiations drag on for years and then ultimately fail.

Finally, we understand that DPW is subject to reorganization under Governor Malloy's recommended budget, and that DPW's leasing responsibilities may be moved to the Department of Administrative Services. We also are aware that DAS Commissioner DeFronzo is very interested in, and committed to, improving the leasing process for everyone. Of course, we are hopeful that significant improvements are forthcoming, and we will work closely with the Commissioner in any way possible. Nevertheless, we believe that the Judicial Branch, working cooperatively with our partners in the Executive Branch, is in the best position to undertake this critical responsibility in a cost-efficient and business-friendly manner.

**House Bill 6635, An Act Concerning the Court Support Services Division
of the Judicial Branch**

This bill, which was also proposed by the Judicial Branch, would address unanticipated operational issues that have arisen in the course of implementing recently-enacted legislation. It would also delete outdated and obsolete language.

- Section 1 would make a technical change to the violation of probation statute to recognize that an arrest without a warrant has the same effect on a term of probation as the issuance of an arrest warrant.
- Section 2 eliminates obsolete language from the "duties of a probation officer" statute to make it consistent with current practice. Probation officers no longer collect and disburse moneys in accordance with orders of the court -- that function has been centralized and is no longer performed by probation officers. Other procedures have also been put in place regarding minors who have been arrested, rendering the language in this section obsolete.
- Section 3 amends a statute that was passed in 2010 to give probation officers the authority to detain probationers for a reasonable time if the officer has probable cause to believe the probationer has violated a condition of probation. It would allow the officers, when a police officer is not available, to transport these probationers to the nearest location where a police officer can make an arrest.

In conclusion, I urge the Committee to act favorably on all of these proposals, which constitute the majority of the Judicial Branch's legislative package. Thank you for your time.

